

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION

Marcus M. Porter,	)	Case No. 9:20-cv-02002-DCC
	)	
Petitioner,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Warden of FCI Edgefield,	)	
	)	
Respondent.	)	
_____	)	

Petitioner, a federal prisoner proceeding pro se, is seeking habeas corpus relief pursuant to 28 U.S.C. § 2241. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Bristow Marchant<sup>1</sup> for pre-trial proceedings and a Report and Recommendation (“Report”). On August 31, 2020, Respondent filed a motion to dismiss or, in the alternative, for summary judgment. ECF No. 14. Petitioner filed a response in opposition. ECF No. 17. On October 27, 2020, the Magistrate Judge issued a Report construing the motion as a motion for summary judgment and recommending that the motion be granted and the petition be denied with prejudice. ECF No. 22. The Magistrate Judge advised Petitioner of the procedures and requirements for filing objections to the Report and the

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<sup>1</sup> The case was reassigned to Magistrate Judge Molly H. Cherry on July 9, 2020, upon Magistrate Judge Marchant’s retirement.

serious consequences if he failed to do so. Petitioner has filed no objections, and the time to do so has passed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the Report’s recommendation; accordingly, the motion for summary judgment [14] is **GRANTED** and that petition is **DISMISSED** with prejudice.

IT IS SO ORDERED.

January 27, 2021  
Spartanburg, South Carolina

s/ Donald C. Coggins, Jr.  
United States District Judge